

225860



South Carolina
Legal Services

2010-308E

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Public Service Commission	Michael Gambrell
COMPANY of South Carolina	DATE: 9/2/2010
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
803-896-5199	6
RE:	
Valorie Hodge vs. Duke Power Company	

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Complaint + Attached

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STATE OF SOUTH CAROLINA)	PUBLIC SERVICE COMMISSION
)	OF SOUTH CAROLINA
COUNTY OF GREENVILLE)	
Valorie Hodge,)	COMPLAINT
Complainant,)	
)	
vs.)	
)	Case No. <u>2010-308E</u>
Duke Power Company)	
Defendant.)	
)	
)	

VALORIE HODGE, (hereinafter "Complainant") comes before this Commission to bring this Complaint against DUKE POWER COMPANY (hereinafter "Defendant"). Complainant respectfully shows the Commission as follows:

1. Complainant is a citizen and resident of Greenville County, State of South Carolina. Complainant currently resides at 226 Clemson Avenue, Unit 42, Greenville, South Carolina 29611. Complainant's current telephone number is (864)
2. Defendant is Duke Power Company with a mailing address of Post Office Box 70515, Charlotte, North Carolina 28272-0515 and a telephone number listing of (864) 231-5803.
3. Defendant is an 'Electric Utility' as defined by SC CODE ANN. § 58-27-10 (2009). SC CODE ANN. § 58-27-40 (2009) confers statutory jurisdiction of the Public Service Commission of South Carolina (hereinafter 'the Commission') over the Defendant. Pursuant to Article 3, Subarticle 1, § 103-301(1) of the Commission's Rules and Regulations, Defendant is required to obey and comply with all requirements of every rule or regulation made or prescribed by the Commission.

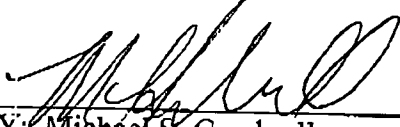
4. Complainant previously had an account with Defendant in 2005. Complainant's service through Defendant was discontinued in 2005 and Complainant had an outstanding balance of five hundred eight and 84/100 dollars (\$508.84).
5. In 2010, Complainant was a victim of domestic violence and took refuge at Safe Harbor in Greenville South Carolina with her minor child, date of birth December 26, 2001.
6. Safe Harbor placed Complainant in transitional housing until Complainant became a participant in the Section 8 Housing Choice Voucher program ran by the Housing Authority of the City of Greenville. Complainant then found more permanent housing at the residence she now occupies with her son.
7. Complainant's caseworker from Safe Harbor contacted Defendant, specifically Barbara Yarborough, rates supervisor, to apply for a waiver of the customer deposit.
8. Defendant denied the waiver and denied Complainant service due to Complainant's outstanding indebtedness incurred in 2005. At that time Defendant demanded that Complainant remit payment to Defendant in the amount of in excess of eight-hundred and 00/100 dollars (\$800.00).
9. Complainant could not immediately pay that amount. She contacted her husband, Robert Hodge, who on August 11, 2010, gave Defendant a deposit in the amount of two-hundred fifty and 00/100 dollars (\$250.00) and opened an account with Defendant for electrical service at 226 Clemson Ave, Unit 42, Greenville, South Carolina 29611.
10. Although Robert Hodge does not permanently reside at 226 Clemson Ave, Unit 42, Greenville, South Carolina 29611, his wife and minor child do. Mr. Hodge pays the utilities and other familial expenses in lieu of paying court ordered child support.

11. On August 23, 2010, a service representative from Defendant left a notice that Complainant's service was subject to immediate disconnection due to a service violation. Complainant contacted Defendant, specifically Rachel, who informed Complainant that she had 24 hours to pay the outstanding bill from 2005 in full or the service would be disconnected. Defendant did not and has never offered for Complainant to repay the amount in a repayment plan.
12. On August 27, 2010, Defendant disconnected service to Robert Hodge's account at 226 Clemson Ave, unit 42, Greenville, South Carolina 29611.
13. On August 27, 2010, Complainant filed a complaint with the Office of Regulatory Staff ("ORS") by way of email electronic submission. As of today's date ORS has not contacted Complainant regarding her complaint.
14. Complainant and her minor child have been without electrical service since August 27, 2010.
15. Defendant failed to comply with SC CODE ANN. § 103-352 (2010) in the following manner:
 - (a) failed to mail notice of termination letter ten (10) days prior to termination;
 - (b) failed to inform Complainant of Defendant's employee to contact for payment arrangements;
 - (c) failed to give Complainant date to make satisfactory arrangements for payments;
 - (d) failed to inform Complainant of the availability of investigation by ORS;
 - (e) failed to provide for a deferred payment plan;
 - (f) failed to inform Complainant of a availability of a local social service agency;
 - (g) terminated service on a date/time not authorized by 103-352.

WHEREFORE, Complainant prays that this Commission grant the following relief:

- (a) That Defendant immediately reconnect service to Robert Hodge's account at 226 Clemson Ave, Unit 42, Greenville, SC 29611, pending resolution of this matter;
- (b) That Defendant give Complainant and Complainant's legal representative a full accounting of the balance Defendant alleges is owed by Complainant;
- (c) That Complainant be allowed to pay the verified amount owed to Defendant in monthly installments over a six month period;
- (d) That the Commission schedule a formal proceeding so that Complainant may be heard fully on the issues set forth by this Complaint;
- (e) That the Commission allow for mutual discovery in this action; and
- (f) Such other and further relief as the Commission may deem just and proper.

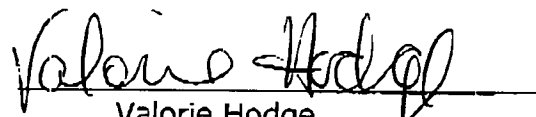
Respectfully submitted this 1st day of September, 2010 at Greenville, South Carolina.


BY: Michael S. Gambrell
Attorney for Complainant
SC Bar# 70044, Fed Id #

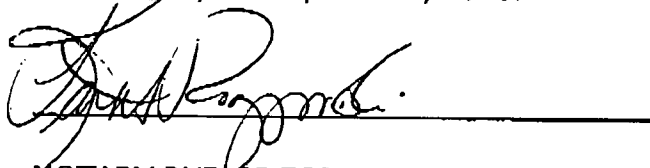
South Carolina Legal Services
701 S. Main Street
Greenville, South Carolina 29601
(864) 679-3525

STATE OF SOUTH CAROLINA)	
)	VERIFICATION
COUNTY OF GREENVILLE)	

PERSONALLY, appeared before me, Valorie Hodge, the undersigned who, being duly sworn deposes and says, under oath that she is the Complainant in the foregoing action; that she has read the contents of the foregoing Statement of Facts and Request for Relief and knows the same to be true.


Valorie Hodge

SWORN BEFORE ME THIS
1st day of September, 2010.



NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 8-16-2017